

Arlington Redevelopment Board
March 2, 2015 Minutes
Town Hall Annex, Second Floor Conference Room, Town Hall – 7:00pm

Approved: March 23, 2015

PRESENT: Chair, Andrew Bunnell, Bruce Fitzsimmons, Andy West

ABSENT: Mike Cayer

STAFF: Carol Kowalski

Documents Used:

Warrant Article 7 proposed language, submitted by Christian Klein

Warrant Article 6 proposed language, submitted by Christopher Loreti

Building permit for 56 Adams Street, submitted by Christopher Loreti

Letter dated February 27, 2015 submitted by Michael Byrne, Director of Inspectional Services

The Chairman called the meeting to order at 7:02pm and opened the public hearing for Zoning Bylaw Amendments.

Christian Klein introduced himself to the Board; Mr. Klein is a Town Meeting Member of Precinct 10, he is on the Zoning Board of Appeals, and he is a member of Friends of Robbins Farm Park. Mr. Klein summarized the language of the proposed zoning bylaw amendment, Article 7. He explained the problem of how posting event notices creates zoning violations. He said that it became more of an issue last year when notices were posted on Parks and Recreation property. The Zoning Board of Appeals tried to address the issue through licensing, but there is still no provision so the Recreation Director, Town Counsel, and Mr. Klein created this warrant article. Mr. Klein explained that if an individual or a nonprofit had a notice to post it would go to the Board of Selectmen for approval. The section regarding posting of notices would come out of the Zoning Bylaw, the effect of which would be that the posting of such notices would no longer constitute a violation of the Zoning Bylaw.

Mr. Klein summarized the changes in detail and explained that he is meeting with Parks and Recreation on March 11, 2015. He commented that the size of the notice is still subject to refinement. Mr. Klein stated that he spoke with Verizon Wireless who owns many of the electrical poles in Arlington and their representative said they have no problem with signs being posted on electrical poles.

Mr. Bunnell opened the floor to public comment.

Christopher Loreti of 56 Adams Street asked if the square footage requirements for signs would change. Mr. Klein said that 10 square feet has been changed to 9 square feet.

Mr. Loreti commented that if there was not a limit as to the number of signs allowed to be put up, enforcement would be challenging. Mr. Loreti referenced Council on Aging signs that had been on the bike path previously; he said there was a sign every 200 feet and they did not get removed after the event had occurred. Mr. Loreti also added that he found it really distracting to have the signs on the medians on busy intersections, especially while trying to watch out for pedestrians jaywalking.

Mr. Klein stated that Town Counsel advised that both the General Bylaw and the Zoning Bylaw had to be amended. He added that sandwich boards were intentionally left out. Mr. Klein also stated that the General Bylaw is enforced through the police and the Bylaw also requires that a name and contact information would have to be made available on the sign as well.

Mr. Loreti asked that logos of for-profit entities not be allowed on the signs.

Mr. Fitzsimmons said that in the new definition of notice he would like to see the word "temporary" added. He also asked about a two thirds vote for Zoning Bylaw Amendments versus a majority vote required for the General Bylaw. Mr. Fitzsimmons added that having a yard sale sign up for fourteen

days ahead of the event date is too long, and said that seven days would be enough time. He also commented that nine square feet for a sign is large.

Mr. West agreed, stating that ten square feet for signage seems huge. He also agreed that fourteen days is too long for some signs to be posted.

Mr. Klein reviewed Friends of Robbins Farm Park and their experience with Parks and Recreation, and their requirements that signs comply with the Zoning Bylaw.

Mr. Bunnell asked how this change would benefit youth sports. Mr. Klein said it would allow that use, and the proposed amendments would make the signs for youth sports legal.

Mr. Bunnell thanked Mr. Klein and introduced the proposed zoning bylaw amendment, Article 6.

Mr. Loreti handed out a building permit for 56 Adams Street to the Board and reviewed the zoning and permitting process. He noted that on building permits there is no check-off that says it is conforming to zoning. He summarized the details of the proposed zoning bylaw amendment and said the proposed changes would apply to new construction or alterations. Mr. Loreti showed an example of what Belmont does with a zoning checklist. Mr. Loreti stated that Arlington's application does not provide existing or proposed open space requirements.

Mr. Fitzsimmons asked if this were enacted would the intent be satisfied with a simple statement – i.e., a statement that the proposed improvements comply with all applicable zoning requirements.

Mr. Loreti confirmed and added that his preference would be to include parking and open space.

Mr. Fitzsimmons commented that the issuance of the permit implies that the allowed improvements meet zoning. Mr. Loreti replied that this same card would be used for a new house.

Mr. Loreti explained that the second change is regarding when a building permit can't be approved and requires a special permit or variance. Mr. Loreti said that his sense is that the Boards don't see a written statement, but a statement should be forwarded to the Board. He added that what seems to happen now is the application goes to the Board without a clear statement of the issues and that the issues are being defined by the attorney for the applicant, when they should be defined by the Zoning Enforcement Officer.

Mr. Fitzsimmons stated that these are de novo proceedings for the Redevelopment Board, and said it is up to the Board members to make up our minds on whether the application fits the four corners.

Mr. Loreti referenced aspects over which the Board has no authority.

Mr. Fitzsimmons said the applicant puts in their case, and usually the Director will have reviewed the application before it is presented to the Board.

Mr. Loreti asked when this occurs.

Mr. West answered this review happens during this process. If the Board needs clarification, they receive it. He added that he is not sure it's necessary to add another cycle of check-offs when these steps are already in place.

Mr. Bunnell said this runs the risk of becoming overly burdensome administrative requests. It is trying to solve a problem that doesn't exist.

The Board opened the floor to public comment.

Mr. Byrne, Director of Inspectional Services, and Rick Vallarelli of Inspectional Services introduced themselves to the Board. Mr. Byrne asked Mr. Loreti what problem is trying to be solved with this amendment. He stated that he speaks with Ms. Kowalski regularly and said this amendment is asking for an unknown amount of additional work. Mr. Byrne stated that they are an enforcement department and that an application wouldn't be in front of the ARB if the zoning review process hasn't already been done. Mr. Byrne referenced projects such as Symmes and Brigham's, stating that the ZBA has their cell phone numbers and can call employees if they have questions. Mr. Byrne said he is just trying to be realistic with this idea. If the question is what happens if we miss a piece of paper, the answer is it probably isn't going to be a problem, especially since he has been doing this for 27 years. Mr. Byrne noted that the Board can also continue a hearing to get clarification on any items that may have been overlooked. He said that he purposely does not attend hearings because he would not want to make an applicant feel as if their department was trying to sway the Board in their decision.

Mr. Bunnell closed the public hearing.

With respect to Article 7, Mr. Fitzsimmons proposed that the Board vote in favor of the recommended zoning changes as amended by the Board and recommend for the Board of Selectmen's consideration the following suggested amendments of the Town Bylaw:

1. Add "temporary" to the definition of a notice
2. In Section B, amend to 7 days
3. In Section C, change to 6 square feet

Mr. West moved. Mr. Fitzsimmons seconded. All voted in favor.

Mr. Fitzsimmons asked that the Director let the Board of Selectmen know these comments are just suggestions and that it's up to them to edit.

Mr. West recommended no action on the proposed zoning bylaw amendment, Article 6, based upon the fact that it is a section that doesn't have a problem.

Mr. Bunnell stated that it is too open to interpretation, and it seeks to solve a problem that doesn't exist. He added that if there are questions, we currently can have them addressed or the Board can continue a hearing.

Mr. Fitzsimmons stated that he agreed with his colleagues. The first part is implicit, it's either granted or denied. Mr. Fitzsimmons added that he would need to know more about the administrative burden the Board would be imposing before we pursued something like this. Mr. Fitzsimmons moved the Board recommend no action on proposed zoning bylaw amendment, Article 6. Mr. West seconded. All voted in favor.

Mr. Fitzsimmons moved to approve the recommended vote on Article 46, Resolution to Endorse the Master Plan as amended. Mr. West seconded. All voted in favor.

The Board turned to the agenda item of approving the meeting minutes from February 23, 2015. Mr. Fitzsimmons went through his suggested edits and moved to approve the minutes as amended. Mr. West seconded. All voted in favor.

The meeting was adjourned at 8:33pm.